

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

UNITED STATES, et al.,	)	
	)	
Plaintiffs,	)	
v.	)	No. 1:23-cv-00108-LMB-JFA
	)	
GOOGLE LLC,	)	
	)	
Defendant.	)	

**MOTION TO CONTINUE HEARING ON GOOGLE’S MOTION FOR A PROTECTIVE  
ORDER [ECF NO. 311]**

1. As explained in more detail in the United States’ motion for a protective order, ECF No. 321, the parties have been negotiating the scope and duration of Google’s and Plaintiffs’ Rule 30(b)(6) deposition notices in tandem, and productively, up until the afternoon of Friday, August 18, 2023.

2. Despite having made substantial progress in those negotiations, and despite the United States’ willingness to agree to a standstill of motion practice related to Rule 30(b)(6) notices—except to the extent relevant to Plaintiffs’ motion for partial judgment on the pleadings or a protective order filed at ECF No. 317—Google informed Plaintiffs at 4:16pm on Friday, August 18, 2023, that it was not agreeable to a standstill as long as Plaintiffs were planning to proceed with filing their motion for partial judgment on the pleadings or a protective order.

3. The Court is now faced with two pending motions that are, in Plaintiffs’ view, inextricably linked: (1) a motion for a protective order related to Plaintiffs’ Rule 30(b)(6) deposition to Google currently set for hearing this Friday, August 25, 2023; and (2) a motion for a protective order related to Google’s Rule 30(b)(6) deposition notice to the United States currently set for hearing the following week, on Friday, September 1, 2023.

4. Plaintiffs submit that the dual interests of judicial efficiency and parity of treatment between the parties constitute good cause for continuing the hearing on Google's motion for a protective order to September 1, 2023, to be heard in conjunction with the United States' motion for a protective order. *See* E.D. Va. Loc. Civ. R. 7(G); *DietGoal Innovations LLC v. Wegmans Food Markets, Inc.*, 2014 WL 2561222, at \*2 (E.D. Va. June 6, 2014) (noting that consolidation of two matters would "serve to enhance judicial economy and fairness"). Alternatively, the Court could also, in its discretion, set both hearings for a date certain earlier than Friday, September 1, 2023. Just as the parties have been negotiating the scope and duration of these two notices in tandem, addressing both motions in the same hearing will ensure that the Court is able to make a ruling after being advised of the full range of facts and issues in dispute.

5. Plaintiffs have met and conferred with Google regarding this motion. Google informed Plaintiffs that it opposes the relief requested herein "if [the motion is] filed early this afternoon." Google further stated that "Google's position might change" if "Plaintiffs hold off on such a motion."

Dated: August 22, 2023

Respectfully submitted,

JESSICA D. ABER  
United States Attorney

/s/ Gerard Mene  
GERARD MENE  
Assistant U.S. Attorney  
2100 Jamieson Avenue  
Alexandria, VA 22314  
Telephone: (703) 299-3777  
Facsimile: (703) 299-3983  
Email: [Gerard.Mene@usdoj.gov](mailto:Gerard.Mene@usdoj.gov)

/s/ Julia Tarver Wood  
JULIA TARVER WOOD  
/s/ Aaron M. Teitelbaum  
AARON M. TEITELBAUM

United States Department of Justice  
Antitrust Division  
450 Fifth Street NW, Suite 7100  
Washington, DC 20530  
Telephone: (202) 307-0077  
Fax: (202) 616-8544  
Email: [Julia.Tarver.Wood@usdoj.gov](mailto:Julia.Tarver.Wood@usdoj.gov)

Attorneys for the United States

JASON S. MIYARES  
Attorney General of Virginia

/s/ Andrew N. Ferguson  
ANDREW N. FERGUSON  
Solicitor General  
STEVEN G. POPPS  
Deputy Attorney General  
TYLER T. HENRY  
Assistant Attorney General

Office of the Attorney General of Virginia  
202 North Ninth Street  
Richmond, VA 23219  
Telephone: (804) 692-0485  
Facsimile: (804) 786-0122  
Email: [thenry@oag.state.va.us](mailto:thenry@oag.state.va.us)

Attorneys for the Commonwealth of  
Virginia and local counsel for the  
States of Arizona, California,  
Colorado, Connecticut, Illinois,  
Michigan, Minnesota, Nebraska, New  
Hampshire, New Jersey, New York,  
North Carolina, Rhode Island,  
Tennessee, Washington, and West  
Virginia